

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:14-CR-166-D

UNITED STATES OF AMERICA)
)
 v.)
)
HOWARD GOLDSMITH)

AMENDED FINAL ORDER OF FORFEITURE

WHEREAS, on August 18, 2015, this Court entered an Amended Preliminary Order of Forfeiture pursuant to the provision of 18 U.S.C. § 981(a)(1)(C), based upon the defendant pleading guilty to 18 U.S.C. § 1349, and agreeing to the forfeiture of the property listed in the August 18, 2015 Amended Preliminary Order of Forfeiture, to wit:

(A) **REAL PROPERTY**, including the following:

<u>County</u>	<u>Book</u>	<u>Page</u>	<u>Property Address</u>	<u>City State</u>
Wake	13694	1792	1809 Heisser LN (Lot#366)	Fuquay Varina NC
Wake	13694	1792	1817 Heisser LN (Lot#364)	Fuquay Varina NC
Wake	13694	1792	1825 Heisser LN (Lot#363)	Fuquay Varina NC
Durham	5731	939-942	650 Ganyard Farms WY (Unit #2, Parcel #207298)	Durham NC
Durham	5731	939-942	650 Ganyard Farms WY (Unit #4, Parcel #207299)	Durham NC

Durham 5731 939-942 650 Ganyard Farms WY Durham NC
(Unit #6, Parcel #207300)
Durham 5731 939-942 650 Ganyard Farms WY Durham NC
(Unit #8, Parcel #207301)
Durham 5731 939-942 650 Ganyard Farms WY Durham NC
(Unit #10, Parcel #207302)
Durham 5731 939-942 650 Ganyard Farms WY Durham NC
(Unit #13, Parcel #207333)
Durham 5731 939-942 650 Ganyard Farms WY Durham NC
(Unit #35, Parcel #207322); and

(B) **CURRENCY** in the amount of **\$1,050,400.50**, representing proceeds from the sale of real property from October, 2006 through February, 2009 of offenses stated in the Information.

AND WHEREAS, the real property located at 1809 Heisser LN (Lot #366), Fuquay Varina, NC, and more specifically described in that deed located in Book 13694, Page 1792 of the Wake County Registry, and the real property located at 1817 Heisser LN (Lot #364), Fuquay Varina, NC, and more specifically described in that deed located in Book 13694, Page 1792 of the Wake County Registry, have been sold by the defendant, Howard Goldsmith, rendering \$48,808.72 in net proceeds, and, thus, this sum has been substituted for the tracts of real property sold;

AND WHEREAS, the United States published notice of this forfeiture at the www.forfeiture.gov web site for at least 30 consecutive days, between September 19, 2015 and October 19,

2015, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions. Said published notice advised all third parties of their right to petition the court within sixty (60) days from the first day of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, it appears from the record that the United States effected service of this Court's August 18, 2015 Amended Preliminary Order of Forfeiture on the following entities: Wake City and County Tax Administrator; North State Bank; Walter G. Rogers, Trustee; Durham City and County Tax Office; Smith Brothers Contracting, LLC; and, Gaynard Farms Construction, LLC (DE #59), and that no petitions or claims were filed in this action by: Walter G. Rogers, Trustee; Durham City and County Tax Office; Smith Brothers Contracting, LLC; or, Gaynard Farms Construction, LLC.

AND WHEREAS, it appears from the record that no claims, contested or otherwise, have been filed for the subject property described in this Court's August 18, 2015 Amended Preliminary Order of Forfeiture, other than those of Wake County Revenue Department and North State Bank;

AND WHEREAS, the United States advised the Court that it will not be pursuing a final order of forfeiture as to the subject real property located in Durham County, and that they may be released from this criminal forfeiture action, and thus that the interest of North State Bank is unaffected;

It is HEREBY ORDERED, ADJUDGED and DECREED:


1. That the remaining property, \$48,808.72 in net proceeds from the sale of the real property located at 1809 Heisser LN (Lot #366) and 1817 Heisser LN (Lot #364), Fuquay Varina, NC, and the real property located at 1825 Heisser LN (Lot #363), Fuquay Varina, NC, be forfeited to the United States, and the U. S. Marshal's Service is directed to dispose of the property according to law. All right, title, and interest in this property shall vest in the United States as of the date of commission of the offense committed by the defendant which rendered it subject to forfeiture, subject only to the claim of Wake County Revenue Department and North State Bank, if any.

2. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets

Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and
21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this
Order to all counsel of record.

SO ORDERED this 14 of day December, 2016.



JAMES C. DEVER, III
CHIEF UNITED STATES DISTRICT JUDGE